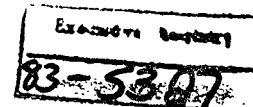


The Deputy Director of Central Intelligence
Washington, D.C. 20505



03 NOV 1983

The Honorable James M. Beggs
Administrator
National Aeronautics and Space Administration
400 Maryland Avenue, S.W.
Washington, D.C. 20546

Jim:

A belated thank you for taking time out to hear our briefing on technology loss to the Soviets.

I am very encouraged at your willingness to look into measures that could limit Soviet Bloc access to sensitive but unclassified NASA publications, software, and other data. We can be sure that the Soviets will be zeroing in with specific requirements on new major NASA technologies as they decide to copy or adapt U.S. systems and subsystems. Your beginning to restrict the sensitive NASA data going to U.S. Government agencies and their contractors will be a significant step toward hindering Soviet collection efforts.

I am sending along copies of two other encouraging steps being taken by DoD that might be of interest. One is a recent change in the U.S. Code giving the Secretary of Defense authority to withhold from the public certain technical data. While limited in scope, it is a useful start. The second is an interim DoD policy to improve their control of technical data and reduce the risk of loss to the Soviets.

As promised, our people are preparing a list of Soviet NASA-related requirements and we will get that to you shortly.

Sincerely,



STAT

John N. McMahon

Enclosures

B-300
XF C-137



Ninety-eighth Congress of the United States of America

AT THE FIRST SESSION

SEP RECD

Begun and held at the City of Washington on Monday, the third day of January, one thousand nine hundred and eighty-three

An Act

To authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Department of Defense Authorization Act, 1984".

(b) The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROCUREMENT

- Sec. 101. Authorization of appropriations, Army.
- Sec. 102. Authorization of appropriations, Navy and Marine Corps.
- Sec. 103. Authorization of appropriations, Air Force.
- Sec. 104. Authorization of appropriations, Defense agencies.
- Sec. 105. Extension of authority provided Secretary of Defense in connection with the NATO Airborne Warning and Control System (AWACS) program.
- Sec. 106. Secure communications equipment and a special classified program.
- Sec. 107. Limitation on Army procurement.
- Sec. 108. Limitations on Navy procurement.
- Sec. 109. Authorization of multiyear contracts for the B-1B aircraft; prohibition on multiyear contracts for certain equipment.
- Sec. 110. Limitations and requirements with respect to the procurement and deployment of the MX missile.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 201. Authorization of appropriations.
- Sec. 202. Limitations on funds for the Army.
- Sec. 203. Limitations on funds for the Navy.
- Sec. 204. Limitations on funds for the Air Force.
- Sec. 205. Limitations on funds for the Defense agencies.
- Sec. 206. Limitation on size of small mobile missile.
- Sec. 207. Report on the Joint Tactical Missile System and the Joint Surveillance and Target Attack System; restriction on use of funds.
- Sec. 208. Antibalistic missile defense system research.

TITLE III—OPERATION AND MAINTENANCE

- Sec. 301. Authorization of appropriations.
- Sec. 302. General authorization of appropriations for pay raises, fuel costs, and inflation adjustments.
- Sec. 303. Prohibition of use of vessels with foreign-built major components under certain leases or service contracts.
- Sec. 304. Authorization of appropriations for assistance for 1984 games of the XXIII Olympiad.
- Sec. 305. Shelter for the homeless at military installations.

S. 675-77

the Government data necessary to incorporate changes in design or technology.

(8) Before ordering any spare part, the contracting officer should review the acquisition history of that part.

AUTHORITY TO WITHHOLD FROM PUBLIC DISCLOSURE CERTAIN
TECHNICAL DATA

SEC. 1217. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

“§ 140c. Secretary of Defense: authority to withhold from public disclosure certain technical data

“(a) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any technical data with military or space application in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act of 1979 (50 U.S.C. App. 2401-2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.). However, technical data may not be withheld under this section if regulations promulgated under either such Act authorize the export of such data pursuant to a general, unrestricted license or exemption in such regulations.

“(b)(1) Within 90 days after enactment of this section, the Secretary of Defense shall propose regulations to implement this section. Such regulations shall be published in the Federal Register for a period of no less than 30 days for public comment before promulgation. Such regulations shall address, where appropriate, releases of technical data to allies of the United States and to qualified United States contractors, including United States contractors that are small business concerns, for use in performing United States Government contracts.

“(2) In this section, ‘technical data with military or space application’ means any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used, or be adapted for use, to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.”.

(b) The table of sections at the beginning of chapter 4 of such title is amended by adding at the end thereof the following new item:

“140c. Secretary of Defense: authority to withhold from public disclosure certain technical data.”.

USE OF POLYGRAPHS BY THE DEPARTMENT OF DEFENSE

SEC. 1218. (a) The Secretary of Defense may not, before April 15, 1984, use, enforce, issue, implement, or otherwise rely on any rule, regulation, directive, policy, decision, or order that would permit the use of polygraph examinations in the case of civilian employees of the Department of Defense or members of the Armed Forces in any manner or to any extent greater than was permitted under rules, regulations, directives, policies, decisions, or orders of the Department of Defense in effect on August 5, 1982.

(b) The restrictions prescribed in subsection (a) with respect to the use of polygraph examinations in the Department of Defense shall